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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,355	03/17/2004	Bradley Weschler	1419-6	3620

7590

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Daniel P. Burke
GALGANO & BURKE, LLP
Suite 135
300 Rabro Drive
Hauppauge, NY 11754

EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,355	Applicant(s) BRADLEY WESCHLER	
	Examiner Tolan Edward	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-28-2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "said connecting means" is unclear. Applicant has set forth two different "means for connecting" in lines 6 and 7 of claim 1.

In claims 5 and 7, "and said hinge connector through" seems to be missing terminology.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,10 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Russo (4,248,078). Russo discloses a plurality of relatively movable jaws (column 3, lines 3-7). The jaw (figure 1) has a plurality of clamp segments (10,12) comprising means for connecting (56,58, column 2, lines 24-27) clamp segments (10,12) by overlapping portions (20,56) using a bolt (figure 3). Figure 1 shows a step

between (20,56) where the portions overlap. The clamp segments have jaw surfaces with knurls (22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo (4,248,078) in view of Fuller et al. (5,988,616). Russo does not disclose clamp pads. Fuller teaches clamp pads (20). It would have been obvious to one skilled in the art at the time of invention to provide Russo with clamp pads as taught by Fuller in order to avoid a marring of the surface being gripped.

Claims 11-15,20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo (4,248,078) in view of Chartier (6,481,257). Russo discloses a plurality of relatively movable jaws (column 3, lines 3-7). The jaw (figure 1) has a plurality of clamp segments (10,12) comprising means for connecting (56,58, column 2, lines 24-27) clamp segments (10,12) by overlapping portions (20,56) using a bolt (figure 3). Figure 1 shows a step between (20,56) where the portions overlap. The clamp segments have jaw surfaces with knurls (22). Russo does not disclose clamp segments with arcuate or non-linear gripping portions. Chartier teaches arcuate clamp segments (54,56) with arcuate or non-linear jaws (29,30). Figures 6a-6h teach various jaw shapes. It would have been obvious to one skilled in the art at the time of invention to

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provide Russo with arcuate or non-linear clamp segments and jaws as taught by Chartier in order to set up the clamp based upon the configuration of the anchor point.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo (4,248,078) in view of Chartier (6,481,257) and further in view of Fuller et al. (5,988,616). Russo in view of Chartier does not disclose clamp pads. Fuller teaches clamp pads (20). It would have been obvious to one skilled in the art at the time of invention to provide Russo in view of Chartier with clamp pads as taught by Fuller in order to avoid a marring of the surface being gripped.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525, FAX papers should be sent to 571-273-8300.

EDTOLAN
PRIMARY EXAMINER

